

Applic. No. 10/650,054
Amdt. dated February 18, 2005
Reply to Office action of November 18, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-22 remain in the application. Claim 1 has been amended. Claims 11-22 have been withdrawn from consideration. Claim 23 has been cancelled. The specification has been amended to correct a clerical error on page 20.

In the second paragraph on page 3 of the above-identified Office action, the Examiner has required that affirmation of the election of Group I, claims 1-10 and 23 must be made in response to the Office action. Affirmation of the provisional election with traverse to prosecute group I, claims 1-10 and 23 is made herewith.

In the fourth paragraph on page 3 of the Office action, claims 1-10 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that it is unclear how step d) can be performed before step b). Claim 1 has been amended so as to facilitate prosecution of the application. Therefore, the rejection is believed to have been overcome.

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The Examiner stated that in claim 1, step f) is a "circular reference". Applicants are not sure what the Examiner is trying to convey with the term "circular reference". However, if the Examiner is conveying that the steps will constitute a continuous loop in the process, it is respectfully noted that the Examiner is not correct. Step f) recites "repeating steps a) to f) for forming the predetermined number of the sheet metal layers". Once the predetermined number of sheet metal layers have been produced step g) will be the next step to be performed, thereby breaking the loop. Accordingly, it is believed that step f) is not a "circular reference". Therefore, claim 1 has not been amended to overcome the rejection.

The Examiner stated that in claim 1, steps e), g), and h) contain the phrase "if required" and therefore applicant has not positively recited any method steps. The Examiner is respectfully directed to page 19, lines 21-23 of the specification where it is disclosed that "After leaving the perforation unit 9, a structuring tool 14 may be used, if required, to produce at least partial structuring of the section 6." Therefore, when a section having corrugations is required the corrugations are formed in this step, however, when a flat section is required then no corrugations are formed. Likewise the other steps that are "as required" are

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dependent on the specific section of the honeycomb body that is being produced and dependent on the specific requirements of the honeycomb body. Because the "if required" steps are based on the specific section being produced, it is believed that the above noted steps are clear and definite. Therefore, claim 1 has not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In the third paragraph on page 4 of the Office action, claims 1-8 and 23 have been rejected as being fully anticipated by Toshiaki (JP 01012018) under 35 U.S.C. § 102. Claim 23 has been cancelled.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and

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the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, structuring of at least a portion of the section.

The Toshiaki reference discloses the implementation of recesses by drilling a plurality of holes in a metal plate before the winding of a metal carrier. Toshiaki discloses that "plural holes 50-52 are drilled in the metal carrier catalyzer 20 made up of assembling a flat metal plate 21 and a corrugated metal plate 22 as one body at specified intervals"

.....(abstract constitution). Therefore, Toshiaki discloses that the holes are drilled in the flat metal plate and the corrugated metal plate in the same operation. Accordingly, the holes are drilled in the corrugated metal plate after it has been corrugated (structured).

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The reference does not show constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, structuring of at least a portion of the section as recited in claim 1 of the instant application. The Toshiaki reference discloses that a hole is formed in the flat plate and the corrugated plate in the same operation, as the hole is formed in both the plates at the same time after the two plates are disposed on top of each other. Toshiaki does not disclose that the corrugated plate is corrugated after a flat sheet has a hole formed therein. This is contrary to the invention of the instant application as claimed, which recites constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, structuring of at least a portion of the section.

Since claim 1 is believed to be allowable over Toshiaki dependent claims 2-8 are believed to be allowable over Toshiaki as well.

In the third paragraph on page 5 of the Office action, claims 1-10 and 23 have been rejected as being obvious over Toshiaki (JP 01012018) in view of Sato et al. (U.S. Patent No. 6,761,980 B2) (hereinafter "Sato") under 35 U.S.C. § 103. As noted above, claim 23 has been cancelled.

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Applicant respectfully believes that Sato is not prior art with respect to the instant application. The instant application is a continuation of copending international application PCT/EP02/02919, filed March 15, 2002. Pursuant to 35 U.S.C. § 363, the instant application has a filing date of March 15, 2002, because the instant application designated the United States. This date is more than 2 months prior to Sato's filing date. Accordingly, Sato is unavailable as prior art.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

-----In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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